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Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Welcoming the positive contribution which Nigeria has recently been making through the Economic Community of West African States in support of democratic government within the West African region and expressing the hope that this reflects a determination to pursue the same aim in its domestic policies,

Noting that the Commonwealth has concluded that there has been no real progress on human rights and the restoration of democracy and has therefore decided to renew Nigeria's suspension from the Commonwealth,

1. Welcomes:

(a) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, and recalling in this regard the declaration by the Government of 1 October 1995 which the Government recently confirmed;

(b) The decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria;

(c) The note by the Secretary-General[3] on the discharge of his good offices mandate, and requests him, in cooperation with the Commonwealth, to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the restoration of democratic rule and the full enjoyment of human rights;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

(c) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(d) At the lack of preparatory steps by the Government of Nigeria to secure the reinstallation of a representative government following elections characterized by genuine popular participation in a multi-party context;

(e) At the past refusal of the Government of Nigeria to cooperate with the Commission on Human Rights and its mechanisms;

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[3] A/52/688.

3. Calls upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M. K. O. Abiola, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(c) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[4]

(d) To take concrete and credible steps to restore democratic government without delay, and to end rule by decree;

(e) To ensure the independence of the National Human Rights Commission, including in its investigations of human rights abuses;

(f) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(g) To implement its obligations under the International Labour Organization Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, while noting the special paragraph in the report of the International Labour Conference Committee of Experts on the Application of Conventions and Recommendations, as adopted by the 85th session of the International Labour Conference, on Nigeria's failure to comply with that Convention;

(h) To cooperate fully with the Commission on Human Rights and its mechanisms;

4. Decides to consider this question at its fifty-third session under the item entitled "Human rights questions".

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[4] CCPR/C/79/Add.65.